

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

VIETTA L. JOHNSON, M.D., & DANIEL IVANKOVICH, M.D.))
)
)
Plaintiffs,) NO. 08 C 2139
)
)
vs.)
)
COUNTY OF COOK, et.al.,)
)
Defendants.)

INITIAL STATUS REPORT

A. NATURE OF THE CASE

1. **JURISDICITON** - Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§451,1331,1337,1343, and 1345. This action is authorized pursuant to Title VII, 42 U.S.C. §2000e, et.seq., 42 U.S.C. 1983, 42 U.S.C. 1985 and the Equal Pay Act, 29 U.S.C. §206 (d)(1).

2. **VENUE** - The employment practices hereafter alleged to be unlawful were committed within the jurisdiction of the United States District Court for the Northern District of Illinois, Eastern Division.

3. **NATURE OF CLAIMS** - Plaintiff, Vietta L. Johnson, M.D. alleges that Defendant, County of Cook (hereinafter "Cook County"), violated Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §1983, 42 U.S.C. 1985 and the Equal Pay Act, 29 U.S.C. § 206 (d)(1). Her allegations include: **(1)** disparate (worse) treatment based upon her race and sex, unequal pay (she was paid less than comparable and subordinate White/Male employees) **(2)** hostile work environment; **(3)**unlawful retaliation for exercising her First Amendment Right to freedom of speech; and **(4)** **conspiracy** on the part of individual defendants Robert R. Simon, Aaron Hamb and Clifford Crawford, acting under color of law, to deprive her of her First and Fourteenth Amendment right to freedom of speech and equal protection, respectively.

Plaintiff, Daniel Ivankovich, M.D. alleges that Defendant, Cook County, violated Title VII of the Civil Rights Act of 1964, as amended, and 42 U.S.C. §1983 and 42 U.S.C. §1985. His allegations include: **(1)** unlawful retaliation for his association with and support for Plaintiff Vietta L. Johnson, M.D.; **(2)** unlawful retaliation for exercising his First Amendment right to freedom of speech; and **(3)** **conspiracy** on the part of individual defendants Robert R. Simon, Aaron Hamb and Clifford Crawford, acting under color of law, deprive him of his First and Fourteenth Amendment right to freedom of speech and equal protection, respectively.

4. **RELIEF SOUGHT** The facts will show that damages and injunctive relief should be granted.

(a) **INJUNCTIVE RELIEF** - Defendant Cook County should be enjoined from further discrimination because of Race and Sex. Defendant Cook County should be enjoined from further targeting of employees for negative treatment for exercising their Constitutional Rights to freedom of speech and equal protection. Defendant should be ordered to reinstate Plaintiffs with equal pay and treatment, as afforded similarly situated, non-Black and male physicians at Cook County.

(b) **VIETTA L. JOHNSON, M.D.**

DAMAGES:

DIFFERENTIAL AND BACK PAY (TBD) as follows:

- Differential (TBD) between what Plaintiff earned for past two (2) years and what similarly situated non-Black and male Division Chiefs
- Back Pay, to April 13, 2007, at differential rate
- Lost Benefits, including but not limited to malpractice insurance, disability, medical insurance and pension benefits
- Liquidated Damages (TBD)

COMPENSATORY DAMAGES OF \$1,500,000.00

- Race Discrimination
- Sex Discrimination
- Retaliation
- Violation of First Amendment & Fourteenth Amendment Rights
- Conspiracy

PUNITIVE DAMAGES OF \$1,000,000.00

AGAINST INDIVIDUAL DEFENDANTS ONLY

- Conspiracy to Violate First Amendment & Fourteenth Amendment Rights

LEGAL FEES & COSTS: TBD

b) **DANIEL IVANKOVICH, M.D.**

DAMAGES:

BACK PAY (TBD) as follows:

- Back Pay, to April 13, 2007,
- Lost Benefits, including but not limited to malpractice insurance, disability, medical insurance and pension benefits

COMPENSATORY DAMAGES OF \$1,000,000.00

- Retaliation
- Violation of First Amendment and Fourteenth Amendment Rights
- Conspiracy

**PUNITIVE DAMAGES OF \$1,000,000.00
AGAINST INDIVIDUAL DEFENDANTS ONLY**

➤ Conspiracy to Violate Constitutional Rights

LEGAL FEES & COSTS: TBD

5. **PARTIES:** Counsel for Defendants has accepted service of the First Amended Complaint for County of Cook. Plaintiffs shall serve the Individual Defendants with the First Amended Complaint presently.

6. **Major Legal Issues:** Whether Defendant's violated Title VII, §1983 and §1985 and the Equal Pay Act; Whether the individual Defendants conspired against Plaintiffs; Whether the Court has jurisdiction over Plaintiff's First Amendment Retaliation Claim; Whether Plaintiffs' statements garner First Amendment Protection; whether Plaintiffs sufficiently pled conspiracy; Whether Plaintiffs' 1985 conspiracy charge is barred by the "intra-entity corporate conspiracy doctrine; and Whether Plaintiffs' prayer for punitive damages would be stricken.

7. **CITATIONS:** Defendants: See Motion to Dismiss. Plaintiff: *Baker v. IBP, Inc.*, 357 F.3d 685 (7th Cir. 2004); *Communications Workers of America v. Beck*, 487 U.S. 735,744 n.1 (1988); *Radcliffe v. Rainbow Const. Co*, 254 F.3d 772,781 (9th Cir.1992); *Hobbs v. Hawkins*, 968 F.2d 471,479,480 (5th Cir. 1992); *United Steel Workers of America v. Phelps Dodge Corp.*; 865 F.2d 1539, 1540 (9th Cir. 1989); *Garcetti v. Ceballos*, 547 U.S. 410, 419 (2006); *City of San Diego, Cal. V. Roe*, 543 U.S. 77,80 (2004); *Pickering v. Board of Ed. Of Tp. High School...*, 391 U.S. 563, 572 (1968); *Scherer v. Balkema*, 840 F.2d 437, 442 (7th Cir. 1988); *Agrawal v. Pallmeyer*, 2008 WL 450818 (N.D. Ill. 2008); *Amundsen v. Chicago Park Dist.*, 218 F.3d 712, 718 (7th Cir.2000). *McCraven v. City of Chicago*, 109 F.Supp.2d 935, 946 (N.D. Ill 2000); *Erwin v. County of Manitowoc*, 872 F.2d 1292, 1299 (7th Cir. 1989).

B. **DRAFT SCHEDULING ORDER** (Matter is still in Motion to Dismiss Stage. Defendant has not answered as yet. Tentative schedule:

- All parties shall be joined by August 30, 2008.
- Pleadings may not be amended after September 30, 2008.
- Discovery shall be completed by January 31, 2009.

C. **TRIAL STATUS:** Plaintiff has requested a jury trial. Probable length of trial is fifteen (15) days.

D. **CONSENT:** Plaintiffs and Defendant Cook County consent to proceed before a Magistrate Judge for all proceedings, including trial.

E. **SETTLEMENT:** Plaintiff tendered a settlement demand contemporaneously with the filing of this Status Report. Defendant has not had the opportunity to reply as yet.

RESPECTFULLY SUBMITTED
BY:

s/LINDA CARROL CHATMAN
LINDA C. CHATMAN
Attorney for Plaintiffs

RESPECTFULLY SUBMITTED
BY:

s/Jamieson B. Bowman
JAMIESON B. BOWMAN
Assistant State's Attorney